

## **REMARKS**

### **Status of the Claims**

Claims 14 is currently pending in the application. Claims 13 and 15-19 stand rejected. The Examiner objects to claim 14. Claims 1-12 and 20-52 are withdrawn as being drawn to a non-elected invention. Claim 14 has been amended as set forth herein. Claims 1-13 and 15-52 have been cancelled herein. All amendments and cancellations are made without prejudice or disclaimer. No new matter has been added by way of the present amendments. Specifically, the amendment of claim 14 is supported by original claims 1 and 13. Reconsideration is respectfully requested.

### **Objections to the Specification**

The Examiner objects to the specification for the following reasons. (See, Office Action of September 28, 2006, at page 5, hereinafter, "Office Action"). The Examiner requests that the status of the parent divisional U.S. Patent Application Serial No. 09/590,304 in the first paragraph of the specification be updated to reflect that it has issued as U.S. Patent No. 6,649,371. Applicant has amended the first paragraph of the specification herein to address the Examiner's objection thereto.

The Examiner also objects to the title of the present application because it is not descriptive. (*Id.*). The Examiner states that the word "novel" is a legal conclusion and should not be recited in the title of a patent application. Applicant has taken measures to amend the title herein as requested by the Examiner. Applicant requests the title be amended to be the same as that of the parent.

The Examiner also objects to the specification for failing to comply with the sequence requirements of 37 C.F.R. § 1.821(a)(1) and (a)(2). (*Id.*). That is, the Examiner wishes Applicants to amend the specification to include sequence identifiers in the specification where necessary. Applicant has herein provided further amendment to the specification to fully comply with the sequence requirements of Rule 821. Sequences were found at pages 9-12 as the Examiner indicated. No other sequences were identified. Thus, page 12 of the specification is amended to indicate the SEQ ID NOS of those sequences listed at pages 9-12.

Reconsideration and withdrawal of the objections to the specification and title are respectfully requested.

### **Objections to the Claims**

The Examiner objects to claims 13 and 14. (*Id.* at page 14). Claim 13 has been cancelled herein without prejudice or disclaimer, thus obviating the objection to claim 13. As to claim 14, the Examiner objects to claim 14 for depending from a rejected base claim, however the Examiner states that claim 14 is would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. (*Id.*).

Although Applicant believes claim 13 is allowable, claim 14 has been amended to recite the limitations of both of claims 1 and 13, from which claim 14 depends, either directly or indirectly, as suggested by the Examiner. Thus, claim 14 is allowable as amended.

Reconsideration and withdrawal of the objection to claim 14 are respectfully requested.

### **Rejections Under 35 U.S.C. § 112, First Paragraph**

#### Enablement

Claims 13, 15, 17 and 18 stand rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the enablement requirement. (*See*, Office Action, at page 6). Claims 13, 15, 17 and 18 have been cancelled herein without prejudice or disclaimer, thus obviating the rejection of these claims based on enablement.

#### Written Description

Claims 13, 15, 17 and 18 stand rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. (*See*, Office Action, at page 9). Claims 13, 15, 17 and 18 have been cancelled herein without prejudice or disclaimer, thus obviating the rejection of these claims based on lack of written description.

### **Rejections Under 35 U.S.C. § 112, Second Paragraph**

Claims 13 and 15-19 stand rejected under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. (*See*, Office Action, at pages 11-12). Claims 13 and 15-19 have been cancelled herein without prejudice or disclaimer, thus obviating the rejection of these claims based on indefiniteness.

**Rejections Under 35 U.S.C. § 102(e)**

Claim 13 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Blonar et al., U.S. Patent No. 6,403,360. (*See*, Office Action, at page 13). Claim 13 has been cancelled herein without prejudice or disclaimer, thus obviating the anticipation rejection of claim 13.

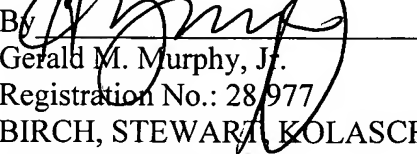
**CONCLUSION**

In view of the above amendment, Applicant believes the pending application is in condition for allowance. If the Examiner has any questions or comments, please contact Thomas J. Siepmann, Ph.D., Registration No 57,374, at the offices of Birch, Stewart, Kolasch & Birch, LLP.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated:

Respectfully submitted,

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